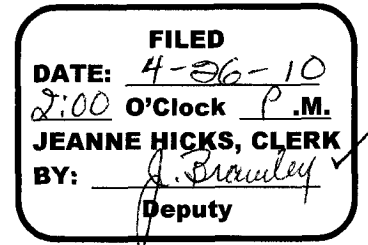


IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI



DIVISION PRO TEM B  
HON. WARREN R. DARROW  
CASE NO. V1300CR20108 0049

JEANNE HICKS, CLERK  
BY: J. Brawley, Deputy Clerk  
DATE: April 26, 2010

TITLE:  
STATE OF ARIZONA,

(Plaintiff)

v

JAMES ARTHUR RAY,

(Defendant )

COUNSEL:

Yavapai County Attorney (via OnBase)  
By Sheila Polk / Bill Hughes/ Steven Sisneros

(For Plaintiff)

Thomas K. Kelly (e)  
(Co-Counsel for Defendant)  
Luis Li / Brad Brian / Truc Do  
MUNGER TOLLES & OLSON LLP  
355 South Grand Avenue Thirty-Fifth Floor  
Los Angeles, CA 90071-1560

(Co-Counsel for Defendant, *Pro Hac Vice*)

HEARING ON:	NATURE OF PROCEEDINGS	COURT REPORTER
PRETRIAL CONFERENCE		Mina Hunt

START TIME: 9:06 a.m.

APPEARANCES: Sheila Polk, Counsel for State  
Thomas Kelly, Co-Counsel for Defendant  
Luis Li, Co-Counsel for Defendant *Pro Hac Vice* (Telephonically)  
Truc Do, Co-Counsel for Defendant *Pro Hac Vice* (Telephonically)  
Brad Brian, Co-Counsel for Defendant *Pro Hac Vice* (Telephonically)  
Pat McGroder, Co-Counsel for Shore Family (Telephonically)  
Robert Magnanini, Co-Counsel for Brown Family (Telephonically)  
George Brown, (Telephonically)  
Andrea Puckett, (Telephonically)  
Jane Shore-Gripp, (Telephonically)

This is the time set for a Pretrial Conference to address scheduling matters. Court has received a Motion that has been joined and the State's reply regarding the subpoena duces tecum question. The Court does not have that set for an oral argument today but would like to briefly discuss the matter with the parties

The Court is advised that the State is not requesting oral argument and does not believe it will be necessary on the Motion to Quash. Counsel would like to discuss the pending issue of where the case will be tried Counsel notes that at the last hearing, the Court indicated there would be discussion today regarding venue of the trial.

The Court will attempt to address that today but does want to set some dates for Motion hearings.

Defense Counsel Thomas Kelly advises he would defer to Mr. Brian to address the Motion to Quash. Counsel advises he would like to discuss moving the venue to Prescott.

Court advises the matter of quashing the subpoenas is deemed submitted unless someone is asking for Oral Argument. All Counsel indicate they are not asking for Oral Argument and will defer to the Court. The Court will issue a ruling this week and the stay remains in effect.

Counsel Brad Brian addresses the Court regarding the setting of other hearing dates and advises Counsel are considering filing other motions which include a Motion to Strike the Allegations of Aggravating Circumstances, and a possible filing for a change of venue because of all the media publicity. No final decision has been made and is no way a reflection on this Court. The Motion that will definitely be filed is a motion that is based upon the destruction of the crime scene evidence and believes that will require argument as well as an evidentiary hearing. Counsel would like to schedule time in August for the Court to hear that motion.

The Court will be setting specific dates in July and Counsel can confer with the Judicial Assistant if changes need to be made.

The issue regarding the venue change to Prescott is discussed.

Counsel for the State addresses the Court and indicates she can check with Court Administration regarding the possible use of the Federal Courthouse.

Defense Counsel, Thomas Kelly and Brad Brian have no objection to the venue change and address the Court regarding their position in the matter with no objection to relocate to the Federal Courthouse.

Court and Counsel discuss discovery

**IT IS ORDERED SETTING:**

Pretrial Conference on June 22, 2010 at 9:00 a.m. Defendants presence may be waived but a formal request must be filed

Hearing for Oral Argument on any Pending Motions on July 20<sup>th</sup> and 21<sup>st</sup>, 2010. The time will be from 9:00 a.m. to 5:00 p.m. for each of those two days.

Counsel are reminded that the dates can be adjusted if necessary by contacting the Judicial Assistant.

Court confirms that time has been excluded up to the Trial date as well as the existing conditions of release.

End Time 9:19 a.m.

cc. Gallagher & Kennedy, P.C., Counsel for Shore Family (e)  
Murphy Schmitt Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)  
Stone & Magnanini, 150 John F. Kennedy Pkwy, 4<sup>th</sup> Floor, Short Hills, New Jersey 07078  
Aspey Watkins & Diesel, P.L.L.C., Counsel for Neuman Family (e)  
Steptoe & Johnson, Counsel for KPNX Broadcasting Company (e)  
Victim Services (e)  
Division PT-B (e+)  
Court Administration  
Jeanne Hicks, Clerk of Court  
Customer Service Supervisor, Verde